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OFFICE OF PETITIONS

In re Application of :
Green, et al. :
Application No. 10/625,046 : ON PETITION
Filed: July 22, 2003 :
Attorney Docket No. 1760-292 :

This is a decision on the petition under 37 CFR 1.53, filed July 16, 2004, requesting that the above-identified application be accorded a filing date of July 22, 2003. The petition was recently forwarded to this office for consideration.

The application was deposited on July 22, 2003. However, on July 13, 2004, the Office of Initial Patent Examination (OIPE) mailed a "Notice of Incomplete Nonprovisional Application" which stated a filing date was not accorded and that the application was deposited without drawings.

In response, on July 16, 2004, the instant petition was filed.

Petitioner states, "Applicant has reviewed the application and 35 USC 113. Applicant has determined that no drawings are necessary for the understanding of the subject matter sought to be patented."

It is noted that the petition contains statements that drawings are not necessary and the petition is signed by a registered practitioner.

Furthermore, it is confirmed that the nonprovisional application contains a process claim that includes the term "method" in its introductory phrase and therefore drawings are not required. MPEP 608.02 states:

"An OIPE formality examiner should not treat an application without drawings as incomplete if drawings are not required.

A drawing is not required for a filing date under 35 U.S.C. 111 and 113 if the application contains:

(A) at least one process claim including the term "process" or "method" in its introductory phrase;

Since the claims contain at least one process claim including the term "process" or "method" in its introductory phrase, drawings are not required in order to accord a filing date.

Accordingly, the petition is granted.

The petition fee has not been charged.

The application will be returned to the Office of Initial Patent Examination for processing with a filing date of July 22, 2003, with zero (0) drawings received on that date.

Telephone inquiries concerning this matter may be directed to the undersigned at (571)272-3228.



Edward J. Tannouse
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Office of Petitions/Patent
United States Patent and Trademark Office